

REMARKS

In response to the Office Action dated June 9, 2006, Applicant hereby elects claims 17-29 for continued prosecution with traverse for the reasons set forth below. Claims 1-16 have been withdrawn.

Applicant traverses the requirement for restriction set forth in the Office Action on the basis that the Examiner has not identified with specificity the claims which Examiner has associated with Species I and Species II as required, for example, by MPEP §814, where it states:

**814 Indicate Exactly How Application Is To Be
Restricted [R-3] - 800 Restriction in Applications Filed
Under 35 U.S.C. 111; Double Patenting**

***814 Indicate Exactly How Application Is To
Be Restricted [R-3]***

>The examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. § 121. *Geneva Pharms. Inc. v. GlaxoSmithKline PLC*, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003). See also MPEP § 804.01.

I. < SPECIES

The mode of indicating how to require restriction between species is set forth in **MPEP § 809.02(a)**.

****>**The< particular limitations in the claims and the reasons why such limitations are considered to ***>**support restriction of< the claims to a particular disclosed species should be mentioned ****** to make the requirement clear.

Furthermore, it is not sufficiently clear from the information provided with respect to the identification of Species I and Species II (i.e., Species I contains five slots and Species II contains

six slots is not sufficiently related to the claims) to reasonably enable Applicant to relate the species identified to the claimed invention. For example, both of independent Claims 1 and 17 refer to bearings having "at least three radial slots". Neither of independent Claims 1 or 17 are limited to 5 or 6 slots so as to fall within Species I or Species II. Therefore, Examiner has not met the requirements of MPEP §814 by providing the requisite clear and detailed record of the restriction requirement. Thus, this requirement is improper for the reasons stated and is respectfully traversed and applicant respectfully requests that this requirement for restriction be withdrawn.

Reconsideration of this application as amended is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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